



CITY OF FULSHEAR

30603 FM 1093, P. O. BOX 279, FULSHEAR, TEXAS 77441
PHONE: 281-346-1796 FAX: 281-346-2556

Fulshear City Council Minutes December 21, 2010

Members Present:

Thomas C. Kuykendall, Mayor
J. B. Collins, Mayor Pro-Tem
Larry Beustring
Stephen Gill
Laverne Patterson
Jeff Roberts

Members Absent:

None

Others Present:

Gwen Fox
Ramona Ridge
Viola Randle
And 7-8 others who did not sign-in

Staff Present:

C.J. Snipes, City Administrator
D. (Diana) Gordon Offord, City Secretary
J. Grady Randle, City Attorney
Tim Kirwin, Asst. to City Attorney
Kristina Brashear, Finance Director
Jeanette Jasso, Deputy Court Clerk

I. CALL TO ORDER

A regular City Council Meeting of the Fulshear City Council was called to order by Mayor, Thomas C. Kuykendall, Jr. at 7:05 p.m. Tuesday, December 21, 2010 in the Fulshear City Hall, 30603 FM 1093, Fulshear, Texas and all citizens were welcomed.

II. QUORUM

A quorum was present.

III. INVOCATION - Reverend Donald Rogers, Pastor of St. Matthews Baptist Church, Simonton, Texas

A prayer was given by Pastor Donald Rogers of the St. Matthews Baptist Church, Simonton, Texas.

IV. **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance oath was lead by Mayor Thomas C. Kuykendall, Jr.

V. **CITIZEN COMMENTS – NO ACTION CAN BE TAKEN**

Ramona Ridge thanked the Council for their help regarding the L.C.I.S.D.

VI. **PUBLIC HEARING**

A. **PUBLIC HEARINGS ON ANNEXATION**

Notice: The purpose of the hearings is to receive input from the public on a proposal for the City of Fulshear to annex the following tracts of land situated at the northwest corner of F.M. 1093 and F.M. 1463:

(1) 47.748 Acres of Land being all of a 5.000 Acre Tract of Land (Fort Bend County Clerk's File No. 1999031332), being a portion of a 138.005 Acre Tract of Land (Fort Bend County Clerk's File No. 2001005402), being a portion of a 108.505 Acre Tract of Land (Fort Bend County Clerk's File No. 2002088346) and being a portion of a 14.200 Acre Tract of Land (Fort Bend County Clerk's File No. 2002116850) all being portions of a called 290.798 Acre Tract of Land (Volume 1912, Page 1944; Official Records of Fort Bend County, Texas) being in the R. H. Kuykendahl Survey, Abstract No. 274, in the J. C. McDonald Survey, Abstract No. 290 and in the T. W. Sutherland Survey, Abstract No. 421, Fort Bend County, Texas; and

(2) 22.962 Acres of Land being a portion of a 138.005 Acre Tract of Land (Fort Bend County Clerk's File No. 2001005402) being a portion of a called 151.00 Acre Tract of Land (Fort Bend County Clerk's File No. 9682322 being a portion of a called 290.798 Acre Tract (Volume 1912, Page 1944; Official Records of Fort Bend County, Texas) being in the J. C. McDonald Survey, Abstract No. 290, Fort Bend County, Texas.

Any person may attend and may participate in the hearing. All persons desiring to attend the public hearings may view the City Council's agenda to confirm the scheduling of the hearing or contact City Hall, P. O. Box 279, 30603 FM 1093 Rd., Fulshear, Texas 77441

Public Hearing was opened at 7:08 p.m.

Public Hearing was closed at 7:09 p.m.

VII. **CONSENT AGENDA**

Items listed under the consent agenda are considered routine and are generally enacted in one motion. The exception to this rule is that a Council Member may request one or more items to be removed from the consent agenda for a separate discussion and action.

A. **CONSENT and APPROVAL of MINUTES from the SPECIAL MEETING of NOVEMBER 4, 2010 and REGULAR MEETING of NOVEMBER 16, 2010**

B. **CONSENT and APPROVAL on CHECKS PAID and PAYABLES DECEMBER 13, 2010 THROUGH DECEMBER 21, 2010**

C. **CONSENT and APPROVAL of CROSS CREEK RANCH/ CROSS CREEK BEND LANE EXT. NO. 3/FINAL PLAT**

D. **CONSENT and APPROVAL of CREEK BEND @ CROSS CREEK RANCH SECTION 1/ FINAL PLAT**

A motion was made by Alderman Collins to approve all items on the Consent Agenda with the exception of charges to the Bono Brothers on the payable list. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

VIII. REPORTS

Reports are presented to Council for informational purposes only and no action may be taken on any item contained in a report with a specific actionable item listed under Business Items.

A. REPORT from SOUTHWEST WATER COMPANY (Repairs, New installations, and reports to TCEQ)

B. REPORT from the POLICE DEPARTMENT (Traffic Citations, arrests, incidents, calls for service)

C. REPORT from the MUNICIPAL COURT CLERK (Fees and Fines)

Report from Southwest Water Company was presented by Jason Demel.

Report from the Police Department was presented by Police Chief Scott Head.

Report from the Municipal Court was presented by Elaine Brown, Contract Municipal Court Clerk.

Mayor Kuykendall stated that if there are no objections, he would like to hold agenda item A until we have covered all the other agenda items and then we will cover that one as it will be a little longer discussion. No one objected.

IX. BUSINESS

A. CONSIDER and TAKE ACTION on APPLICATION for FINAL PLAT by LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

Mayor Kuykendall asked if there was a representative present from the School District (L.C.I.S.D). The answer was "no".

There was some discussion among the members.

A motion was made by Alderman Gill to disapprove the final plat by Lamar Consolidated Independent School District because the plat was deficient and incomplete for the reasons stated in a letter dated December 15, 2010, from the City to LCISD and that the plat did not comply with the City's Subdivision Ordinance. It was seconded by Alderman Beustring. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

B. CONSIDER and TAKE ACTION on ORDINANCE NO. 2010-1026 an ORDINANCE of the CITY of FULSHEAR ADOPTING the REVISED GROUNDWATER REDUCTION FEE required by the NORTH FORT BEND WATER AUTHORITY; INCREASING PUMPAGE FEE from \$.099 to \$1.29 per THOUSAND GALLONS

A motion was made by Alderman Gill to approve Ordinance No. 2010-1026 adopting the revised Groundwater Reduction fee required by North Fort Bend Water Authority; increasing pumpage fee from \$.99 to \$1.29 per thousand gallons. It was seconded by Alderman Beustring. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

C. CONSIDER and TAKE ACTION on ORDINANCE NO. 2010-1027 an ORDINANCE of the CITY of FULSHEAR ADOPTING the INTERNATIONAL CODE COUNCIL BUILDING VALUATION DATA as the BASIS for VALUATIONS used to DETERMINE FEES CHARGED for RESIDENTIAL AND COMMERCIAL CONSTRUCTION PERMITS

A motion was made by Alderman Gill to approve Ordinance No. 2010-1027 adopting the International Code Council Building Valuation data as the basis for valuations used to determine fees charged for Residential and Commercial Construction permits. It was seconded by Alderman Collins. The motion was carried by the following vote:

*Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson
Nays: None*

D. CONSIDER and TAKE ACTION on ORDINANCE NO. 2010-1028 an ORDINANCE of the CITY of FULSHEAR REPEALING and REPLACING ORDINANCE NO. 1978-506 regarding ALCOHOLIC BEVERAGE LICENSING and PERMITS within the CITY LIMITS

A motion was made by Alderman Beustring to approve Ordinance No. 2010-1028 replacing Ordinance No. 1978-506 regarding Alcoholic Beverage Licensing and permits with the City limits. It was seconded by Alderman Collins. The motion was carried by the following vote:

*Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson
Nays: None*

E. CONSIDER and TAKE ACTION on RESOLUTION NO. 2010-163 a RESOLUTION APPROVING the CREATION of a MONEY MARKET ACCOUNT with TRADITIONS BANK in line with the CITY'S INVESTMENT POLICY to TRANSFER FUNDS from a CERTIFICATE of DEPOSIT to allow for HIGHER INTEREST YIELD

A motion was made by Alderman Gill to approve Resolution No. 2010-163 approving the creation of a money market account with Traditions Bank in line with the City's Investment Policy to transfer funds from a Certificate of Deposit to allow for higher interest yield. It was seconded by Alderman Beustring. The motion was carried by the following vote:

*Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson
Nays: None*

F. CONSIDER and TAKE ACTION on RESOLUTION NO. 2010-164 a RESOLUTION APPROVING the RENEWAL of a CERTIFICATE of DEPOSITS with a PRINCIPALS of \$70,000 and \$100,000 EACH with ICON BANK

A motion was made by Alderman Beustring to approve Resolution No. 2010-164 approving the renewal of a Certificate of Deposits with a principal of \$70,000 and \$100,000 each with Icon Bank. A question was asked whether the Icon Bank had the best renewal option. Ms. Brashear stated that the Icon Bank has always given a little boast higher than the other banks. Alderman Gill wanted to set some type of term limit on the renewal.

A motion was made by Alderman Beustring to amend his motion to include a twelve month term limit at 1.28 rates approving the renewal of a Certificate of Deposits with a principal of \$70,000 and \$100,000 each with Icon Bank. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

Fulshear City Council Minutes

December 21, 2010

Page 5

G. CONSIDER and TAKE ACTION on RESOLUTION NO. 2010-165 a RESOLUTION APPROVING the an AGREEMENT for the CITY'S PARTICIPATION as a SMALL SELECT EMPLOYEE GROUP with BRAZOS VALLEY SCHOOLS CREDIT UNION

A motion was made by Alderman Collins to approve Resolution No. 2010-165 a Resolution approving an agreement for the City's participation as a small select Employee Group with Brazos Valley Schools Credit Union. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

H. CONSIDER and TAKE ACTION on RESOLUTION NO. 2010-166 a RESOLUTION setting the CITY'S HOLIDAY SCHEDULE for CALENDAR YEAR 2011

A motion was made by Alderman Collins to approve Resolution No. 2010-166 a Resolution setting the City's Holiday schedule for calendar year 2011. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

I. CONSIDER and TAKE ACTION to APPROVE REVISIONS to the CITY'S PERSONNEL POLICIES and PROCEDURES related to EMPLOYEE LEAVE

A motion was made by Alderman Gill to approve the revisions to the City's Personnel Policies and Procedures related to Employee Leave. It was seconded by Alderwoman Patterson.

C. J. Snipes, City Administrator, stated that all vacation leave would end with the fiscal year instead on December 31 and that sick pool would be a voluntary leave pool.

The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, and Alderwoman Patterson

Nays: Alderman Roberts

J. CONSIDER and TAKE ACTION to APPROVE STREET ACCEPTANCES for CREEKSIDE at CROSS CREEK RANCH SECTIONS 3, 4, 6, 7, and 8 (PHASE ONE) and CROSS CREEK RANCH FLEWELLEN WAY

A motion was made by Alderman Gill to approve Street Acceptances for Creekside at Cross Creek Ranch Sections 3,4, 6, 7, and 8 (Phase One) and Cross Creek Flewellen Way. It was seconded by Alderman Roberts. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

K. CONSIDER and TAKE ACTION to APPROVE UTILITY CONVEYANCE and SECURITY AGREEMENTS for WATER, SEWER, and DRAINAGE FACILITIES to SERVE CREEKSIDE at CROSS CREEK RANCH SECTIONS 3, 4, 6, 7, and 8 (PHASE ONE)

A motion was made by Alderman Gill to approve Utility Conveyance and Security Agreements for water, sewer, and drainage facilities to serve Creekside at Cross Creek Ranch Section 3, 4, 6, 7, and 8 (Phase One). It was seconded by Alderman Beustring. The motion was carried by the following vote:

*Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson
Nays: None*

L. CONSIDER and TAKE ACTION to APPROVE UTILITY CONVEYANCE and SECURITY AGREEMENT for LIFT STATION NO. 1

A motion was made by Alderman Roberts to approve Utility Conveyance and Security Agreements for Lift Station No. 1. It was seconded by Alderman Collins. The motion was carried by the following vote:

*Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson
Nays: None*

M. CONSIDER and TAKE ACTION to APPROVE UTILITY CONVEYANCE and SECURITY AGREEMENT for FLEWELLEN WAY

A motion was made by Alderman Roberts to approve Utility Conveyance and Security Agreement for Flewellen Way. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

*Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson
Nays: None*

**X. EXECUTIVE SESSION-CLOSED SESSION IN ACCORDANCE WITH THE GOVERNMENT CODE
SECTION 551.071, CONSULTATION with ATTORNEY; SPECIFICALLY SUB-SECTIONS:**

1) WHEN the GOVERNMENTAL BODY SEEKS the ADVICE of its ATTORNEY ABOUT:

(A) PENDING or CONTEMPLATED LITIGATION; or

(B) A SETTLEMENT OFFER; or

2) ON a MATTER in which the DUTY of the ATTORNEY to the GOVERNMENTAL BODY under the TEXAS DISCIPLINARY RULES of PROFESSIONAL CONDUCT of the STATE BAR of TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.

DISCUSSION of POSSIBLE LEGAL ISSUES RELATED to LCISD PROJECT

Mayor Kuykendall announced that Council would enter into Executive Session at 8:25 p.m. and a quorum was present.

XI. RECONVENE AND TAKE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION IF DEEMED APPROPRIATE

Mayor Kuykendall announced that Council would reconvene back into Regular Session at 9:39 p.m. and a quorum was present.

Mayor Kuykendall asked if any action needed to be taken. One of the Council members responded no.

XII. ADJOURNMENT

A motion was made by Alderman Roberts to adjourn. It was seconded by Alderman Beustring. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

Mayor Kuykendall announced that we are now adjourned.

Mayor, Thomas C. Kuykendall, Jr.

Attest:

City Secretary, D. (Diana) Gordon Offord